

1 ZACH COWAN, City Attorney SBN 96372
2 MARK J. ZEMBSCH, Deputy City Attorney SBN 127901
3 MZembsch@ci.berkeley.ca.us
4 2180 Milvia Street, Fourth Floor
5 Berkeley, CA 94704
6 TEL.: (510) 981-6998
7 FAX.: (510) 981-6960

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Attorneys for Defendants
CITY OF BERKELEY and DAVID HODGKINS

DAVID M. POORE SBN 192541
KAHN BROWN & POORE LLP
DPoore@kahnbrownlaw.com
2200 Powell St., Suite 745
Emeryville, California 94608
TEL: (510) 923-6280
FAX: (510) 923-6285

Attorneys for Plaintiff
TIMOTHY GARDNER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY GARDNER,

NO. C10-03410 EMC

Plaintiff,

STIPULATION AND [PROPOSED]
ORDER TO EXTEND DATE FOR ADR
AND CONTINUE CASE MANAGEMENT
CONFERENCE

vs.

CITY OF BERKELEY, DAVID HODGKINS;
DOUG HAMBLETON; ROY MEISNER;
BOBBY MILLER,

Complaint Filed: June 25, 2010
Removed to Federal Court: Aug. 3, 2010

Defendants.

STIPULATION

The parties hereby stipulate through there undersigned counsel that the (1) last day to meet and confer re initial disclosures, early settlement, and the ADR process selection, and discovery plan, (2) file ADR Certification and (3) file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference be extended from October 27, 2010 to November 10, 2010.

The parties also stipulate that the last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file the Joint Case Management Statement be continued from November 10, 2010 to November 24, 2010.

The parties also stipulate that the next Case Management Conference be continued from November 17, 2010 to December 1, 2010.

There is good cause for the stipulation to extend time as follows: Mark Zembsch is the primary attorney representing defendants in this case. Mr. Zembsch will be completely unavailable from October 21 through November 1, 2010, as he will be on the east coast attending to a family member's surgery. Further, Mr. Zembsch has an annual professional commitment out of the local area November 17-19, 2010.

Respectfully submitted:

ZACH COWAN, City Attorney
MARK J. ZEMBSCH, Deputy City Attorney

15 | Dated: October 5, 2010

By: /s/

MARK J. ZEMBSCH, Deputy City Attorney
Attorneys for City of Berkeley and David Hodgkins

Respectfully submitted:

KAHN BROWN & POORE LLP

Dated: October 5, 2010.

By: /s/

DAVID M. POORE
Attorney for Plaintiff Timothy Gardner

ORDER

THE FOREGOING STIPULATION
IS APPROVED AND IS SO ORDERED.

DATE: 10/18/10

